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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,144	06/14/2001	Domenico Marchioro	34845/GM/lp	5755

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EXAMINER

VALENTI, ANDREA M

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,144

Applicant(s)

MARCHIORO, DOMENICO

Examiner

Andrea M. Valenti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 21, 22, 24, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 18-20, 23, 25 and 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 17, 21, 27 and 28 is withdrawn in view of the new rejection that follows. Upon further examination of the presented claim limitations, the broad nature of the wording of the claims 17, 21, 27 and 28 can be read on cited reference to Daily.

Claims 18-20, 23, and 25-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,000,121 to Daily.

Regarding Claim 27, Regarding Claim 14, Daily teaches a modular cage (Daily Fig. 1) with corner joints (Daily Fig. 6) having a corner body (Fig. 6 #28) and at least three tangs (Fig. 6 # 54, 58, and 56) that protrude at right angles from the corner body; reversible locking devices provided at the tangs (Fig. 6 #70); first profiled elements (Fig. 2 #64), having first seats which have surfaces thereof shaped complementary to the tangs, the tangs being insertable with the reversible locking devices in the first seats for

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interlocking; and grill-like wall elements (Fig. 1); the first and second profiles (Fig. 2 #62) being removably connected to each other and interlocked by way of corner joints so as to form a supporting frame and grill-like elements being removably connected to the supporting frame so as to form the cage; a drawer-like body (#42); the first (Fig. 2 #64) and the second (Fig. 2 #62) profiles being removably connected to each other and interlocked by way of the corner joints so as to form a supporting frame (Fig. 1), the grill-like elements being removably connected to the supporting frame so as to form the cage, the drawer-like body being slidably insertable in sliding guides formed by the second seats at a lower part of the frame so as to constitute a bottom of the cage (Fig. 1 #42).

Regarding Claim 28, Daily teaches first and second contoured end plugs provided with respective tangs (#40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,000,121 to Daily in view of U.S. Patent No. 5,452,681 to Ho.

Regarding Claim 14, Daily teaches a modular cage (Daily Fig. 1) with corner joints (Daily Fig. 6) having a corner body (Fig. 6 #28) and at least three tangs (Fig. 6 #

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54, 58, and 56) that protrude at right angles from the corner body; reversible locking devices provided at the tangs (Fig. 6 #70); first profiled elements (Fig. 2 #62, 68, and 64), having first seats which have surfaces thereof shaped complementary to the tangs, the tangs being insertable with the reversible locking devices in the first seats for interlocking; and grill-like wall elements (Fig. 1); the first and second profiles being removably connected to each other and interlocked by way of corner joints so as to form a supporting frame and grill-like elements being removably connected to the supporting frame so as to form the cage.

Daily is silent on additional supporting seats provided both at the first and second profiled elements; the grill-like wall elements being removably accommodated and retained in the supporting seats. However, Ho teaches a modular cage assembly with supporting seats that accommodate the grill-like wall elements (Ho #4, 31, and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Daily with the teachings of Ho for means of further disassembly for ease of transportation, storage, and cleaning.

Regarding Claim 15, Daily as modified teaches drawer-like body (#42), which is slidably insertable at a lower part of the frame so as to constitute a bottom of the cage.

Regarding Claim 16, Daily teaches the first and second profiled elements are substantially tubular (Fig. 2 #62, 64, and 68).

Regarding Claim 17 and 21, Daily as modified inherently teaches the second profiled (#38 and 62) elements are arranged at the lower part of the frame (Fig. 1) and have second seats which are open and arranged longitudinally along the second

profiled elements so as to form sliding guides for the drawer-like body (#42) by a grill-like panel which surmounts the sides (#48).

Regarding Claims 22 and 24, Daily as modified teaches the reversible locking devices (#70) are constituted by an elastic tongue provided monolithic with a respective one of the tangs and by a slot formed in a corresponding one of the first and second profiled elements the tongue being adapted to enter with a reversible interlocking action a respective slot (Fig. 2).

Response to Arguments

Applicant's arguments with respect to claims 14-16 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Applicant should consider placing subject matter of objected claims 18-20, 23, 25, 26 into the independent claims to patentably distinguish over the teachings of Ho, Daily, and Chiu. Furthermore, applicant might consider more clearly defining the structural elements of the profile configuration in a manner that does not present new subject matter to overcome the teachings of the cited prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone numbers

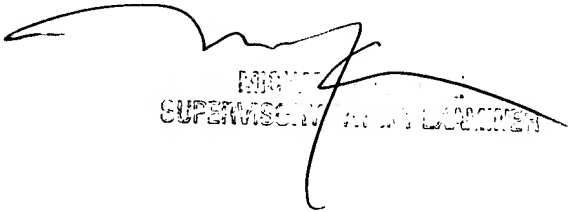
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for the organization where this application or proceeding is assigned are 703-306-4195 for regular communications and 703-305-0285 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4357.

AMV

June 18, 2003


MONTE A. LUCAS
SUPERVISOR AT 3643